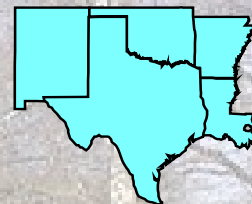


# REGIONAL UPDATE



## U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JUNE 1999 ★

★ REGION VI ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions for the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.*

### GENERAL INFORMATION

Department of Defense (DoD) Initiative Encourages Government to Buy "Green" Products. DoD has a new coding system for all federal supplies that will make it easier for government workers to find and purchase environment-friendly products. Thanks to an initiative undertaken by military supply managers and the Defense Logistics Agency (DLA), federal supply listings will now show which stock items meet or exceed environmental guidelines, such as U.S. EPA's Comprehensive Procurement Guidelines and the Department of Energy's Standards for Energy Products. New environment-friendly product codes will be added to the list as these "green" products are developed and identified. The initiative was announced by Ms. Sherri Goodman, Deputy Under Secretary of Defense for Environmental Security, at the National Town Meeting for a Sustainable America, which took place 2-5 May 1999 in Detroit. With the new coding system, supply managers will update the Federal Logistics Information System (FLIS)—a computerized list of more than seven million supply items covering everything from office supplies to military hardware—with information that designates which items are the most environment-friendly. In addition to tracking national stock numbers for federal supply purchases, the FLIS offers guidance on acquiring, storing, distributing, transporting, using and disposing item used by the government. More information on this effort can be found at the web site for the Joint Group on Environmental Attributes at <http://www.jgenvatt.dla.mil/>, or from the Defense Logistics Information Service (DLIS) web site at <http://www.dlis.dla.mil/>. The DLIS public affairs office number is (616) 961-7015.

Toxic Release Annual Report Ranks Texas 1st and Louisiana 2nd. According to the latest Toxic Release Inventory (TRI), released by U.S. EPA on 13 May 1999, **Texas** facilities continue to lead the nation with more

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than 260 million pounds in total releases in 1997. **Louisiana** again ranks second with 186 million pounds. A 14 percent reduction in total releases reported by Texas facilities was not enough to affect its first-place ranking. Texas led the nation in several categories: onsite releases, onsite air emissions, and underground injections. In Louisiana, toxic releases continue to increase. Facilities reported an almost 5 percent increase in total releases since 1995. While air emissions have been reduced, surface water discharges have increased; Louisiana leads the nation in the amount of toxic chemicals discharged to surface water in 1997. The state also ranks second in underground injections of toxic substances. Concerns were also raised in **Arkansas**, as a 58 percent increase in reported releases vaulted the state from 24th to 16th in the national rankings.

## ASSISTANCE/GUIDANCE INFORMATION

**U.S. EPA Upgrades Watershed Indicators.** U.S. EPA has recently upgraded its Index of Watershed Indicators, an Internet-based compilation of 16 primary indicators used to characterize the health of the nation's waters. The new version updates 6 of the original 15 indicators and adds atmospheric deposition estimates for nitrogen. The Index provides watershed assessments through available information on surface and ground waters, drinking water sources, wetlands, runoff, fish advisories, contaminated sediments, as well as other indicators. U.S. EPA first released the index as a public right-to-know initiative in October 1997. The new version 1.3 is available at <http://www.epa.gov/surf2/iwi/update/>.

**Total Maximum Daily Load (TMDL) Tracking System Database Now Available for Download.** An updated U.S. EPA database that includes all final state and territorial lists of impaired waterbodies is now available for downloading from U.S. EPA's web site at <http://www.epa.gov/owow/tmdl/trcksys.html>. The database collects all the final state and territorial Clean Water Act (CWA) Section 303 lists in a single national database. Before the database was created, information on waters listed under Section 303(d) of the CWA was not available in an electronic format. The database is designed to provide a clearer picture of how many waters have been listed under the CWA as impaired, as well as the causes of their impairment. The tracking system may then be used to determine which waters are listed in a state or U.S. EPA region and also how many waters are listed for a certain pollutant. To run the tracking system, the file must be downloaded and opened with Microsoft Access Version 97. *For further information contact: Chris Laabs; U.S. EPA; (202) 260-7030.*

**U.S. EPA Groundwater Newsletter.** U.S. EPA's latest issue of *Ground Water Currents* (EPA 542-N-99-002) is now available on the Internet at <http://clu-in.org/techdrct/techpubs.htm>. The quarterly newsletter provides descriptions and performance data for developments in innovative groundwater treatment. The current issue features innovative permeable reactive barriers used to remediate contaminated groundwater.

**Updated Software Available for Estimation of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs).** Updated software used to estimate emissions of VOCs and HAPs from storage tanks is available from U.S. EPA's Clearinghouse for Inventories and Emission Factors web site at <http://www.epa.gov/ttn/chief/ap42c7.html>. The equations and inputs used in the TANKS software are found in Section 7.1 of AP-42. The latest version of TANKS retains the same calculations, routines, and inputs used in the previous version. However, minor differences may be noted in calculated emissions due to an updated meteorological database that now includes city-specific atmospheric pressures. Enhancements include the addition of HAP liquid speciation profiles for crude oil and petroleum products for use when product-specific data are not available and allowing the user to input internal floating roof deck seam loss factors.

**U.S. EPA Releases New Control Document for Fine Particulate Matter (PM-2.5).** Updated information on technologies to control PM-2.5 emissions from industrial sources is now available for downloading from U.S. EPA's web site at <http://www.epa.gov/ttncaaa1/t1/meta/m32050.html>. The new document, *Stationary Source Control Techniques Document for Fine Particulate Matter*, replaces U.S. EPA's earlier 1982 guidance, *Control Techniques for Particulate Emissions from Stationary Sources*. The document contains detailed descriptions of the primary devices used to control particulate matter (PM) emissions from stationary sources: electrostatic precipitators, fabric filters, wet scrubbers, and incinerators. It also discusses emerging PM control technologies, reducing emissions through process modifications or optimization, controlling fugitive industrial emissions, and measuring emissions, including techniques that estimate the level of emissions from the source before and after control. According to U.S. EPA, the document was revised to support the development of implementation strategies for attaining the revised national ambient air quality standards (NAAQS) for the pollutant.

**Report on Violations of the 8-Hour Ozone Standard.** Air quality monitors around the country indicate that 315 counties will probably violate the new national ambient air quality standard for ozone when determinations are made

in 2000, several groups determined in a report released 4 May 1999. According to the report, *Smog Watch: Pollution & Solutions to Monitor in 1999*, the counties are in 34 states, including Texas, California, and states in the Mid-Atlantic, Midwest, and Southeast. Tough national measures will help limit the number of nonattainment areas having to implement new pollution control measures, the report says. Such measures include control of nitrogen oxides—a precursor to the formation of ozone—from utility power plants and tighter controls on vehicle emissions. The report was written by two groups advocating reductions in air pollution: the Clean Air Network and the Clean Air Task Force. A third group, the U.S. Public Interest Research Group, helped publicize the report and joined the other organizations in calling on U.S. EPA to implement stringent anti-ozone measures in 1999. A copy of the report is available on the World Wide Web at <http://www.cleanair.net/>.

Report on Superfund Program Management Issues. According to a General Accounting Office (GAO) report issued 29 April 1999, U.S. EPA has made improvements over the years in setting funding priorities based on the relative risk of superfund sites to human health and the environment. The report says EPA now manages sites on the National Priorities List according to a “worst sites first” policy. However, the report says that further progress in this area is impeded because of the greater involvement of states in cleaning up hazardous sites. Because states increasingly decide which sites they will address under their own cleanup programs and those they wish to refer to U.S. EPA, the federal agency does not always have a complete picture of all the high-risk sites. GAO recommends improvements in communication between U.S. EPA and state cleanup programs to enable the U.S. EPA to better ensure that those sites being addressed represent the highest risk in the inventory. The report, *Superfund: Progress Made by EPA and Other Federal Agencies to Resolve Program Management Issues* (GAO/RCED-99-111, is available from GAO at (202) 512-6000.

GAO Report on Extent of Federal Influence on Urban Sprawl. According to a study released 30 April 1999 by the GAO, environmental regulations do not have a clear influence on urban sprawl. In its report, GAO addressed concerns that federal air quality regulations, CWA provisions, and other requirements encourage development outside urban or suburban areas. The report states “there is very little evidence that regulations have become a truly important location factor for a wide spectrum of industries.” It also states that a study of the impact of environmental regulations on Fortune 500 manufacturing plants did not reveal any statistically significant effects on the location of businesses. The GAO report, *Extent of Federal Influence on “Urban Sprawl” is Unclear* (RCED-99-87), can be obtained by calling (202) 512-6000.

## TRAINING INFORMATION

Water/Wastewater System Management Workshop. The U.S. Army Environmental Center (USAEC), in conjunction with the U.S. Army Installation Support Center (formerly the U.S. Army Center for Public Works) will be sponsoring the Water/Wastewater System Management Workshop to provide training on several products that have been jointly developed to assist installations in the management of their water and wastewater systems. These products are the Water Compliance Assessment Protocol, the Wastewater Compliance Assessment Protocol, the Wellhead Protection Program Development—User Guide and Model Schedule of Services, and the Cross-Connection Control Program Development—User Guide and Model Schedule of Services. The workshop will be held on **7-10 June 1999** in Denver, Colorado, and is intended for installation personnel who have responsibilities related to the management of water/wastewater systems and/or implementation of wellhead protection or cross-connection control. For further information contact: Hans Graven; RASco, Inc.; (703) 643-2952; fax (703) 497-2905; e-mail: [RAScoWS@aol.com](mailto:RAScoWS@aol.com).

U.S. EPA Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following environmental response training courses in the coming months:

- |   |                     |                      |
|---|---------------------|----------------------|
| • Air Monitoring for Hazardous Materials                      | <b>21-25 June</b>   | (N. Little Rock, AR) |
| • Designs for Air Impact Assessments at Hazardous Waste Sites | <b>27-29 July</b>   | (Norman, OK)         |
| • Safety and Health Decision-Making for Managers              | <b>10-12 August</b> | (Austin, TX)         |
| • Health and Safety 8-Hour Training                           | <b>16-20 August</b> | (Dallas, TX)         |
| • Sampling for Hazardous Materials                            | <b>17-19 August</b> | (N. Little Rock, AR) |
| • Introduction to Groundwater Investigations                  | <b>14-16 Sept.</b>  | (Santa Fe, NM)       |

ERTP course information is now available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact: Keith Reddick; U.S. EPA Region VI; (214) 665-8338; fax (214) 665-7447; e-mail: [reddick.Keith@epamail.epa.gov](mailto:redrick.Keith@epamail.epa.gov).

Tri-Service Spatial Data Standards (TSSDS) Implementation Workshop. The TSSDS Implementation Workshop will be held **22-25 June 1999** in Vicksburg, Mississippi. The workshop is designed to provide training in the implementation of the TSSDS using commercially available Geographic Information System (GIS) and relational database software. ESRI ArcView and Intergraph GeoMedia will be the GIS software used in the workshop. An outline of the course is available on the Internet at <http://tsc.wes.army.mil/tssds/training/outlinefinal.htm>. Registration information can be accessed at <http://tsc.wes.army.mil/headlines/classes/classes.asp>.

Hazardous Substance Management System (HSMS) Orientation Training. HSMS orientation training, referred to as HSMS "101" is open to all Army personnel who wish to learn more about the Hazardous Material Management Program (HMMP) and HSMS. The course provides an overview of the HSMS software and discussion of how it fits into the HMMP. Topics to be covered include: the business practices associated with hazardous material control, HSMS design features and hardware requirements, and case studies of installations implementing a HAZMART and HSMS. The course is targeted for individuals planning for HAZMART and HSMS operation and will provide the greatest benefit to decision-makers from Logistics, Environmental, Information Management, Public Works, Safety, Hazardous Waste, and Industrial Hygiene from both the major Army command and installation level. The orientation training will also include a half-day tour of an operational HAZMART Center. This course is not intended to be users training for the HSMS software. Future classes are scheduled for **August and October 1999**. For more information or to register for the training, contact the CAO at (888) 800-7242, or e-mail at [HSMS@saic.hqisec.army.mil](mailto:HSMS@saic.hqisec.army.mil).

## CONFERENCES and SEMINARS

### SEPTEMBER 1999

1999 National Recycling Congress and Exposition. The 1999 National Recycling Congress and Exposition will be held **27-29 September 1999** in Cincinnati, Ohio. The "Federal Track" of the 1999 conference will represent a cross-section of all Federal agencies. Each agency will have the opportunity to share success stories and lessons learned with representatives from the other agencies. Last year, for example, representatives of civilian and military facilities provided presentations on affirmative procurement, recycling programs, using federal purchasing to create markets for recovered materials, recycling of electronics and other non-traditional materials, the new Greening the Government Executive Order, and America Recycles Day. For further information contact: Dana Arnold, Executive Steering Committee; (202) 260-1297; fax (202) 401-9503; e-mail: [arnold.dana@epamail.epa.gov](mailto:arnold.dana@epamail.epa.gov).

### NOVEMBER 1999

1999 National Pollution Prevention Roundtable (NPPR) Annual Fall Workgroup Conference. The NPPR's fourth annual Fall Workgroup Conference will take place **17-19 November 1999** at the La Fonda Hotel in Santa Fe, New Mexico. The workgroup conference offers NPPR members the opportunity to formulate strategies and address the challenges of pollution prevention (P2) within intimate and interactive sessions, including three plenary sessions and ample breakout time. The Thursday morning plenary will focus on where the P2 movement is headed, and as in years past, the conference will conclude with an information sharing from workgroups on their activities and from the NPPR Board outlining its plans for the coming year. The National Pollution Prevention Roundtable (NPPR) is the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. For further information contact: NPPR; (202) 466-3908.

### DECEMBER 1999

4<sup>th</sup> Annual Joint Services P2/Hazardous Waste Management (HWM) Conference & Exhibition. The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. This year's event, which is being expanded to include HWM, will provide an open forum for exchanging ideas, success stories, case histories and technologies. The conference will cross federal, academia and industry boundary lines—opening channels for a combined effort to implement the essential P2/HWM objective by all. The Joint Services Conference will be hosted by the Headquarters Air Force Center for Environmental Excellence, Brooks AFB, Texas. Information on the conference is available on the Internet at <http://www.ndia.org/events/brochure/040/040.htm>.



## FEDERAL REGULATORY ACTIONS

### U.S. ARMY CORPS OF ENGINEERS (USACE)

USACE Final Rule: Revisions to the CWA Regulatory Definition of "Discharge of Dredged Material" (64 FR 25119). The USACE and U.S. EPA are promulgating a final rule amending a CWA Section 404 regulation that defines the term "discharge of dredged material." This action conforms that definition to the results of a lawsuit holding that by asserting jurisdiction over any redeposit of dredged material, including incidental fallback, the Agencies had exceeded their statutory authority under the CWA. This rule is intended to comply with the injunction issued by the district court in that case and responds to the court decision by deleting language from the regulation that was held to exceed the Agencies' CWA statutory authority and by adding clarifying language. This rule was effective 10 May 1999. *For further information contact: John Lishman; U.S. EPA; (202) 260-9180; or Mike Smith or Sam Collinson; USACE; (202) 761-0199.*

### U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. EPA Final Rule: Land Disposal Restrictions Phase IV (64 FR 25407). U.S. EPA is making technical corrections and clarifications to five related rules previously published by U.S. EPA: (1) regulations promulgating Land Disposal Restrictions (LDR) treatment standards for wood preserving wastes, published 12 May 1997; (2) regulations promulgating LDR treatment standards for metal-bearing wastes, published 26 May 1998; (3) administrative stay of the metal-bearing waste treatment standards as they apply to zinc micronutrient fertilizers, published 31 August 1998; (4) emergency revision of LDR treatment standards for hazardous wastes from the production of carbamate wastes, published 4 September 1998; and (5) revised treatment standards for spent aluminum potliners from primary aluminum production, published 24 September 1998. The rule was effective 11 May 1999. *For further information contact: Peggy Vyas; U.S. EPA, Office of Solid Waste; (703) 308-5477; e-mail: [vyas.peggy@epamail.epa.gov](mailto:vyas.peggy@epamail.epa.gov).*

U.S. EPA Final Rule: HAPs: Amendment to Regulations Governing Equivalent Emission Limitations by Permit (64 FR 26311). U.S. EPA is adopting an amendment to the Regulations Governing Equivalent Emission Limitation by Permit proposed in the Federal Register on 16 April 1999 (64 FR 1862). This action amends the rule implementing CAA Section 112(j) to extend the Section 112(j) permit application deadline for sources in 7-year source categories until 15 December 1999. This rule was effective 14 May 1999. *For further information contact: James Szykman; U.S. EPA, Emission Standards Division; (919) 541-2452; e-mail: [szykman.jim@epa.gov](mailto:szykman.jim@epa.gov); or David Markwordt; U.S. EPA, Emission Standards Division; (919) 541-0837; e-mail: [markwordt.david@epa.gov](mailto:markwordt.david@epa.gov). (Editor's Note: Also see related U.S. EPA Withdrawal of Direct Final Rule, "HAPs: Regulations Governing Equivalent Emission Limitations by Permit" (64 FR 26311), below.)*

U.S. EPA Withdrawal of Direct Final Rule: HAPs: Regulations Governing Equivalent Emission Limitations by Permit (64 FR 26311). Due to receipt of an adverse comment, U.S. EPA is withdrawing a 16 April 1999 direct final rule (64 FR 18824), which would have amended the rule implementing CAA Section 112(j) to extend the Section 112(j) permit application deadline for sources in 7-year source categories until 15 December 1999. Having withdrawn the direct final rule, U.S. EPA is taking final action to extend the Section 112(j) permit application deadline based on the proposed rule, which was also published on 16 April 1999 (64 FR 18862). The direct final rule is withdrawn as of 14 May 1999. *For further information contact: James Szykman; U.S. EPA, Emission Standards Division; (919) 541-2452; e-mail: [szykman.jim@epa.gov](mailto:szykman.jim@epa.gov). (Editor's Note: Also see related U.S. EPA Final Rule, "HAPs: Amendment to Regulations Governing Equivalent Emission Limitations by Permit" (64 FR 26311), above.)*

U.S. EPA Final Rule: Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Non-Polar Material Under the CWA and Resource Conservation and Recovery Act (RCRA) (64 FR 26315). U.S. EPA is approving use of U.S. EPA Method 1664, Revision A: N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry for use in U.S. EPA's CWA programs. This action also deletes Method 9070, adds revised Method 9071B, and incorporates Method 1664 by reference for use in U.S. EPA's RCRA programs. The new technique, which uses normal hexane (straight-chain hexane) as a solvent to extract certain contaminants from water or waste for further analysis, is an alternative to one that used CFC-113 as an extraction solvent. These actions are being taken as part of U.S. EPA's effort to reduce dependence on use of chlorofluorocarbons (CFCs). This rule is effective 14 June 1999. *For further information contact: Maria Gomez-Taylor (CWA programs); U.S.*

EPA Office of Science and Technology, Engineering and Analysis Division; (202) 260-1639; or Gail Hansen (RCRA programs); U.S. EPA, Office of Solid Waste; (703) 308-8855.

U.S. EPA Direct Final Rule; Proposed Rule: Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances (64 FR 28695/28702). This direct final action amends the Chemical Accident Prevention Provisions, also known as the RMP regulations, codified in 40 CFR Part 68. The revisions concern the worst-case release scenario analysis for regulated flammable substances in 40 CFR 68.25. U.S. EPA is issuing these revisions so that the regulated community can treat regulated flammable substances in the same manner as regulated toxic substances for determining the quantity released when conducting a worst-case release scenario analysis. U.S. EPA is taking this direct final action pursuant to a settlement agreement with the American Petroleum Institute. U.S. EPA is also clarifying its interpretation of Clean Air Act (CAA) Sections 112(l) and 112(r)(11), as they relate to Department of Transportation requirements under the Federal Hazardous Materials Transportation Law. This rule is effective 21 June 1999 without further notice, unless U.S. EPA receives adverse comment by 16 June 1999. *For further information contact: Sicy Jacob or John Ferris; U.S. EPA, Chemical Emergency Preparedness and Prevention Office; (202) 260-7249 or (202) 260-4043, respectively.* **(Editor's Note: This action allows industry to treat regulated flammables the same way it treats toxic substances to determine the quantity released when conducting worst-case scenario analysis. The amendments are the result of a settlement agreement with the American Petroleum Institute. Also see related U.S. EPA Final Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels" (64 FR 29167); and U.S. EPA Proposed Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption" (64 FR 29171) below.)**

U.S. EPA Final Rule: List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels (64 FR 29167). Pursuant to CAA Section 301(a)(1), 42 U.S.C. 7601(a)(1), U.S. EPA is providing a six-month stay of the effectiveness of its RMP rule under CAA Section 112(r) as it applies to processes containing no more than 67,000 pounds of certain flammable hydrocarbon fuels (including propane, butane, ethane, methane, and others). In a separate action, U.S. EPA is also proposing an exemption that mirrors the terms of this stay. The exemption would not apply to processes that manufacture the fuel, contain above a threshold quantity of another (non-fuel) regulated substance, or processes connected to, or co-located with, another (non-fuel) covered process at the facility. This final rule provides a temporary stay while U.S. EPA completes rulemaking on the proposed exemption. While this stay is in effect, processes that would qualify for the proposed exemption are not subject to Part 68. This stay is in addition to, and does not affect, the stay of the rule for propane processes recently entered by the U.S. Court of Appeals for the D.C. Circuit. This final rule is effective 21 June 1999. *For further information contact: John Ferris, Chemical Engineer; U.S. EPA, Chemical Emergency Preparedness and Prevention Office (CEPPO); (202) 260-4043.* **(Editor's Note: The administrative stay extends the scope of the 27 April 1999 U.S. Court of Appeals stay (which applied to Liquefied Petroleum (LP) Gas/propane users only – at any threshold) to industries that use RMP listed flammable hydrocarbons. The court-ordered stay will be in effect until further review by the court and its scheduling of oral arguments for the early fall 1999 term. If the judicial stay is lifted, facilities using LP Gas/propane will then be subject to U.S. EPA's administrative stay and the final rule establishing the flammable hydrocarbon exemption. Also see related U.S. EPA Direct Final Rule; Proposed Rule, "Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances" (64 FR 28695/28702) above; and U.S. EPA Proposed Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption" (64 FR 29171) below.)**

U.S. EPA Proposed Rule: Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems (PWSs) (64 FR 23397). The Safe Drinking Water Act (SDWA) requires U.S. EPA to establish criteria for a monitoring program for unregulated contaminants and, by 9 August 1999, to publish a list of contaminants to be monitored. U.S. EPA is proposing the Unregulated Contaminant Monitoring Regulation for PWSs to substantially revise the current regulations for unregulated contaminant monitoring. This proposed rule includes a new list of contaminants to be monitored, procedures for selecting a national representative sample of PWSs that will be required to monitor, the frequency and schedule for monitoring, and procedures for placement of the monitoring data in the National Drinking Water Contaminant Occurrence Database. The data in the database will be used to identify contaminants for the Drinking Water Contaminant Candidate List, to support the Administrator's determination of whether or not to develop drinking water standards for a particular contaminant, and in developing standards for the selected contaminants. The proposed rule is open to public comment until 14 June

1999. For further information contact: Charles Job; U.S. EPA, Office of Ground Water and Drinking Water; (202) 260-7084.

U.S. EPA Proposed Rule: National Primary Drinking Water Regulations: Public Notification Rule (64 FR 25963). U.S. EPA is proposing to revise the general public notification regulations for PWSs to implement the public notification requirements of the 1996 SDWA amendments. The regulations set the requirements that PWSs must follow regarding the form, manner, frequency, and content of the public notice. The public notification requirements apply to owners and operators of PWSs that: fail to comply with the requirements of the National Primary Drinking Water Regulations; have a variance or exemption from the drinking water regulations; or are facing other situations posing risk to public health. U.S. EPA is also proposing to revise the state implementation regulations allowing a state to establish alternative public notification requirements with respect to the form and content of the notice, and to consolidate all the public notification requirements for PWSs in a single subpart of the Code of Federal Regulations (CFR). Comments must be received on or before 12 July 1999. A copy of the proposed regulation may be obtained by calling the Safe Drinking Water Hotline at 1(800) 426-4791, or by visiting U.S. EPA's web site at <http://www.epa.gov/safewater/pws/pn/pn.html>. For further information contact: Carl Reeverts; U.S. EPA; (202) 260-7273; e-mail: [reeverts.carl@epa.gov](mailto:reeverts.carl@epa.gov). **(Editor's Note: Regulated entities include federally-owned PWSs, such as water systems on military bases. Also see related U.S. EPA Notice, "Availability of Draft Public Notification Handbook" (64 FR 25880), below.)**

U.S. EPA Proposed Rule: Oil Pollution Prevention and Response; Non-Transportation-Related Facilities (64 FR 26926). U.S. EPA published a proposed rule to amend the Facility Response Plan requirements in the Oil Pollution Prevention and Response regulation found at 40 CFR Part 112. U.S. EPA also published an advance notice of proposed rulemaking seeking comments on how we might differentiate among the various classes of oil for purposes of the Spill Prevention, Control, and Countermeasures Plan requirements. Both the proposed rule and advance notice of proposed rulemaking were published on 8 April 1999 (64 FR 17227). The comment period for both ended on 10 May 1999. In response to requests, U.S. EPA extended the comment period for the proposed rule to 9 June 1999 and is extending the comment period for the advance notice of proposed rulemaking to 7 July 1999. For further information contact: Barbara Davis (proposed rule) or Hugo Paul Fleischman (advance notice of proposed rulemaking); U.S. EPA, Oil Program Center; (703) 603-8823 and (703) 603-8769, respectively.

U.S. EPA Proposed Rule: List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Hydrocarbon Fuel Exemption (64 FR 29171). U.S. EPA is proposing to modify the rule listing regulated substances and threshold quantities for the Risk Management Program issued under Section 112(r) of the CAA as amended. U.S. EPA is proposing that a process containing 67,000 pounds or less of a listed flammable hydrocarbon fuel, and no other listed substance above its threshold quantity, be exempt from threshold quantity determination. The exemption will not apply to processes that manufacture the fuel, contain more than a threshold quantity of another (non-fuel) regulated substance, or processes connected to, or collocated with, another covered process at the facility. U.S. EPA believes this proposed change will exempt from RMP coverage numerous small fuel users that were not intended to be subject to the RMP requirements and better focus accident prevention activities on stationary source operations that will present a greater risk to the community. Comments must be submitted on or before 28 June 1999. For further information contact: James Belke, Chemical Engineer; U.S. EPA, CEPPD; (202) 260-7314. **(Editor's Note: Depending on comments received, a final rule is expected in the fall. Also see related U.S. EPA Direct Final Rule; Proposed Rule, "Accidental Release Prevention Requirements: Risk Management Plans (RMPs) Under CAA Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances" (64 FR 28695/28702); and U.S. EPA Final Rule, "List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels" (64 FR 29167) above.)**

U.S. EPA Notice: Availability of Draft Public Notification Handbook (64 FR 25880). U.S. EPA is making available for review and comment a draft Public Notification Handbook (EPA 816-R-99-004). The handbook will assist PWSs in implementing the proposed revised public notification regulations. The public notification regulations apply to owners and operators of PWSs that fail to comply with the drinking water standards and related regulations under the SDWA. Written comments on the draft Public Notification Handbook are requested by 31 July 1999. U.S. EPA is also soliciting comment on the handbook at two public meetings to be scheduled during the summer of 1999. A copy of the draft handbook may be obtained by calling the Safe Drinking Water Hotline at 1(800) 426-4791, or may be viewed and downloaded from U.S. EPA's web site at <http://www.epa.gov/safewater/pws/pn/pn.html>. For further information contact: Carl Reeverts; U.S. EPA; (202) 260-7273; e-mail: [reeverts.carl@epa.gov](mailto:reeverts.carl@epa.gov). **(Editor's Note: Also see related U.S. EPA Proposed Rule, "National Primary Drinking Water Regulations: Public Notification Rule" (64 FR 25963), above.)**

U.S. EPA Notice: Advance Notice of Proposed Rulemaking: Control of Diesel Fuel Quality (64 FR 26142). U.S. EPA is considering setting new quality requirements for fuel used in diesel engines, in order to bring about large environmental benefits through the enabling of a new generation of diesel emission control technologies. Because the pursuit of diesel fuel quality changes would be a major undertaking for the Agency and affected industries, and because of the many unresolved issues involved, U.S. EPA is publishing this advance notice to summarize the issues. Although this advance notice solicits comment on all potentially beneficial diesel fuel quality changes, U.S. EPA believes the most promising change would be fuel desulfurization for the purpose of enabling new engine and aftertreatment technologies that, although highly effective, are sensitive to sulfur. Written comments on this advance notice should be submitted by 28 June 1999. *For further information contact: Carol Connell; U.S. EPA, National Vehicle and Fuels Emission Laboratory; (734) 214-4349; fax (734) 214-4050; e-mail: [connell.carol@epa.gov](mailto:connell.carol@epa.gov).*

U.S. EPA Notice: Announcement of Public Meeting on the Development of New Waste Leaching Procedures Under the RCRA Program (64 FR 28173). U.S. EPA will hold a public meeting 22 through 23 July 1999 on its ongoing review of the Toxicity Characteristic Leaching Procedure (TCLP), and the development of revisions or supplements to the TCLP or new waste leaching procedures under the RCRA Program. The purpose of the meeting is to discuss current and alternative approaches to waste leachate characterization testing and use of leach testing data, and to solicit public input on this topic. Both scientific and policy aspects of leach testing will be addressed. The meeting will be held at the Crystal Gateway Marriott Hotel in Arlington, Virginia. *For further information contact: Gail Hansen; U.S. EPA, Office of Solid Waste; (703) 308-8855; e-mail: [hansen.gail@epamail.epa.gov](mailto:hansen.gail@epamail.epa.gov); or Lisa Enderle; Science Applications International Corporation (SAIC); e-mail: [lisa.e.enderle@cpmx.saic.com](mailto:lisa.e.enderle@cpmx.saic.com); or the SAIC conference information line; (703) 645-6946.*

## KEY ENVIRONMENTAL COMPLIANCE DATES

21 June	Deadline for owners and operators of stationary sources with more than a threshold quantity of a regulated substance in a process to submit initial risk management plans, three years after the date on which a regulated substance is listed under 40 CFR 68.130, or the date on which a regulated substance is first present above a threshold quantity in a process, whichever is later, and meet other requirements specified at 40 CFR 68.12.	CAA: 40 CFR 68.3 through 68.220	61 FR 31713; 6/20/96 as amended by 62 FR 45132; 8/25/97, and 63 FR 644; 1/6/98
29 June	Deadline for owners and operators of community water systems collecting fewer than five routine total coliform samples a month to undergo a follow-up sanitary survey.	SDWA: 40 CFR 141.21(d)(1)(I)	N/A

## ARKANSAS

## Legislative/Regulatory Activity

### FEDERAL ACTIONS

U.S. EPA Notice: Lead; Requirements for Lead-Based Paint (LBP) Activities in Target Housing and Child-Occupied Facilities; State of Arkansas's Authorization Application (64 FR 27266). On 29 March 1999, the State of Arkansas submitted an application for U.S. EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for LBP activities in target housing and child-occupied facilities. This notice announces the receipt of Arkansas's application and provides a public comment period. Arkansas has provided certification that their program meets the requirements for approval of a state program under Section 404 of TSCA. Therefore, the program is deemed authorized as of the date of submission. If U.S. EPA finds that the program does not meet the requirements, U.S. EPA will disapprove the program, at which time a notice will be issued in the Federal Register and the federal program will be established. The state program became effective 29 March 1999. Comments on the authorization application must be submitted by 6 July 1999. *For further information contact: Jeffrey Robinson, Regional Lead Coordinator; U.S. EPA Region VI; (214) 665-7577; e-mail: [robinson.jeffrey@epamail.epa.gov](mailto:robinson.jeffrey@epamail.epa.gov).*

STATE LEGISLATIVE ACTIVITY (Session ended May 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)



## STATE GENERAL INFORMATION

9th Annual Arkansas Recycling Conference and Trade Show. The 9th Annual Arkansas Recycling Conference and Trade Show will be held **10-12 August 1999** at the North Little Rock Riverfront Hilton Inn in North Little Rock, Arkansas. The conference will be sponsored by the Arkansas Recycling Coalition (ARC), an association of individuals, nonprofits, government, and industry. The ARC's mission is the development of recycling and waste reduction as a primary means of waste management in Arkansas. *For further information contact: Paige Cox; ARC; (501) 227-6979; or Amy Wilson; ARC; (501) 374-0263.*

*(NOTE: General information regarding the Arkansas Department of Environmental Quality (ADEQ) and its various programs, including access to draft and final regulations, is available on the Department's web site at <http://www.adeq.state.ar.us/>.)*

## LOUISIANA

### Legislative/Regulatory Activity

#### STATE LEGISLATIVE ACTIVITY (Session ends 21 June 1999.)

House Bill (HB) 1592 – Voluntary and Remedial Actions Fees. This proposal would allow the Louisiana Department of Environmental Quality (LDEQ) to charge and collect fees for reasonable and appropriate oversight activities (for example, conducting a public hearing) in the Department's voluntary investigation and remedial action program. **Passed by House; referred to Senate Committee on Environmental Quality on 13 May 1999.**

Senate Bill (SB) 890 – Regulated Air Pollutants. This proposal would clarify that permitting procedures and regulations are to apply to all sources of "regulated air pollutants." The phrase "regulated air pollutants" would include emissions of nitrogen oxides (NO<sub>x</sub>) and VOCs. **Signed by Governor.**

SB 925 – Public Participation in Environmental Matters. This proposal authorizes the LDEQ to conduct an inspection of a facility upon receipt of a written request of any person. The request must be based on a good faith belief that the facility is in violation of Louisiana rules or regulations. **Signed by Governor.**

#### STATE FINAL RULES

Smoke Emissions (25 LAR 656-7). Final rule of the LDEQ, Office of Air Quality and Radiation Protection (OAQRP), amends regulations under 33 LAC III.1105 to clarify language by changing the limitation on the appearance of smoke emissions from Number 1 on the Ringlemann Chart to 20 percent opacity. The rule applies to flares and similar devices for burning in connection with pressure valve releases for control over process upsets. The rule was effective 20 April 1999. *For further information contact: Patsy Deaville; LDEQ, Investigations and Regulation Development Division (IRDD); (225) 765-0399.*

Storage of VOCs (25 LAR 657). Final rule of the LDEQ, OAQRP, amends regulations under 33 LAC III.2103 regarding the storage of VOC compounds to allow additional methods of measurement of Reid vapor pressure. The rule was effective 20 April 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Assessment of Civil Penalties (25 LAR 657-60). Final rule of the LDEQ, Office of the Secretary (OS), amends regulations under 33 LAC I.701, .703, and .705 to establish criteria for the assessment of civil penalties. The rule was effective 20 April 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*  
**(Regional Counsel Comment: The goal is to assess penalties in a consistent, fair and equitable manner. This penalty determination methodology includes a penalty matrix. The goal of the legislation is to allow for flexible approaches that benefit both the environment and regulated entities.)**

Permit Qualifications (25 LAR 660-2). Final rule of the LDEQ, OS, amends regulations under 33 LAC I.1701; III.501, III.517, III.5111, V.515, VII.517, VII.520, and IX.2331 through IX.2769 (nonconsecutive) regarding permit qualifications and requirements. The rule requires that applicants for an environmental permit, or for transfer of ownership of a permit, meet certain requirements and that an applicant provide the LDEQ with a list of states where the applicant has similar or identical federal or state permits. The rule was effective 20 April 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

## STATE PROPOSED RULES

Organic Solvents/Surface Coating Facilities (25 LAR 742-3). Proposed rule of the LDEQ, OAQRP, would amend regulations under 33 LAC III.2123 regarding organic solvents. The proposal would make a technical correction regarding exemptions on emissions of VOCs for surface coating facilities in attainment and nonattainment areas and update references. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Publicly Owned Treatment Works (25 LAR 743-4). Proposed rule of the LDEQ, Office of Water Resources, would amend regulations under 33 LAC IX.2715, .2721, and .2735 regarding procedures for modifying approved publicly owned treatment works pretreatment programs. The proposal would conform provisions to U.S. EPA pretreatment standards under 40 CFR 403, make editorial corrections, and streamline procedures for approved pretreatment programs. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Emission Reduction Credits Banking (Log#AQ190). Proposed rule of the LDEQ, OAQRP, would accommodate ozone nonattainment classifications resulting from the new NAAQS, which will become effective on 18 July 1999. It would also correct a typographical error for the date on which emission credits begin their 10-year life and clarify the use for emission credits having a 10-year life. A public hearing will be held on 24 June 1999 in Baton Rouge. Written comments on the proposed regulations will be accepted until 4:30 p.m. on 1 July 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

New Source Performance Standards (NSPS) (Log #AQ191). Proposed rule of the LDEQ, OAQRP, would incorporate by reference 40 CFR Part 60, as revised 1 July 1998, into LAC 33:III.Chapter 30. Louisiana would receive delegation authority from U.S. EPA for 40 CFR Part 60, Standards of performance for New Stationary Sources, by incorporating the federal regulations into the LAC. A public hearing will be held on 24 June 1999 in Baton Rouge. Written comments on the proposed regulations will be accepted until 4:30 p.m. on 1 July 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399. (Regional Counsel Comment: U.S. EPA grant objectives require incorporation by reference of new and revised NSPS regulations to be made annually. The basis and rationale for this proposed rule are to "mirror" the federal regulations. Regulations include those regarding Hospital/Infectious Waste Incinerators and Municipal Waste Combustors.)*

Hazardous Waste Provisions (Log #HW069). Proposed rule of the LDEQ, Office of Waste Services, would add the requirement for a registered professional engineer who certifies specific technical data to be a Louisiana registered professional engineer; correct the omission of universal wastes, lamps, and antifreeze in LAC 33:V.4301; and amend LAC 33:V.3001 to exclude "conditionally exempt" from conditionally exempt small quantity generators, because Louisiana does not recognize conditionally exempt small quantity generators. A public hearing will be held on 24 June 1999 in Baton Rouge. Written comments on the proposed regulations will be accepted until 4:30 p.m. on 1 July 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

## STATE NOTICES

Regulatory Agenda (25 LAR 809). Notice of the LDEQ announces the availability of the spring 1999 edition of the semiannual regulatory agenda prepared by the Department's IRDD. The agenda provides information on rules that have been proposed but not adopted or rules that are scheduled to be proposed in 1999. *For further information contact: Lula Alexander; LDEQ, Office of Legal Affairs and Enforcement; (225) 765-0399. (Regional Counsel Comment: The agenda is available at [http://www.deq.state.la.us/olae/irdd/reg\\_semi.htm](http://www.deq.state.la.us/olae/irdd/reg_semi.htm).*

Violation Classification and Enforcement Response (25 LAR 809-10). Advance notice of proposed rulemaking of the LDEQ, OS, would adopt regulations under a new Chapter 6 to 33 LAC I to establish procedures for violation classification and enforcement response. The proposed standards would implement statutory requirements to address violations in a formal and consistent manner. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399. (Regional Counsel Comment: The current action is a preliminary step in the rulemaking process; official rulemaking will be initiated following review and consideration of the comments received on this advance notice.)*

(NOTE: Current regulatory information from the LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us/>. Click on "Legal Affairs and Enforcement," "Rules and Regulations," and "Additions to the Louisiana Register.")

## NEW MEXICO

## Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 20 March 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the New Mexico Environment Department (NMED) and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.)

## OKLAHOMA

## Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 28 May 1999.)

SB 216 – Hazardous Waste. Increases the hazardous waste disposal fee generated within the state of Oklahoma from \$9.00 per ton to \$50.00 per ton for onsite or offsite storage, treatment, or land disposal. Carried over to the January 2000 legislative session. **(Regional Counsel Comment: The CREO will track the status of this bill, given the potentially large increase in fee per ton.)**

### STATE FINAL RULES

Solid Waste Management (OAR Docket #99-645). Final rule of the Oklahoma Department of Environmental Quality (ODEQ) amends OAC 252:520-1-11 to require applicants to resolve local zoning issues prior to issuance of new permits, significant modifications, or disposal capacity increases, which are the areas of most concern to local zoning officials. This rule was effective 1 June 1999. *For further information contact: Chris Varga; ODEQ; (405) 702-5100.*

NSPS (OAR Docket #99-646). Final rule of the ODEQ, Air Quality Division (AQD), amends OAC 252:100 to create a new Subchapter 4 by incorporating by reference 40 CFR Part 60, as it exists on 1 July 1997, except for the following: Sections 60.4, 60.9, 60.10, and 60.16 of Subpart A; Subparts B, C, Ca, Cb, Cc, Cd, and AAA; and Appendix G. The new Subchapter 4 was created for the purpose of establishing state standards for certain new or modified facilities in accordance with the authority delegated by U.S. EPA under Section 111(c) of the CAA. The rule was effective 1 June 1999. *For further information contact: Michelle Martinez; ODEQ, AQD; (405) 702-4100.*

Ambient Air Quality Standards (OAR Docket #99-647). Final rule of the ODEQ, AQD, revises Appendices E and F of OAC 252:100 to mirror the revised federal NAAQS for PM and ozone announced by U.S. EPA in the 18 July 1997 Federal Register. U.S. EPA revised the primary (health-based) PM standards by adding a new annual PM-2.5 standard set at 15 micrograms per cubic meter (ug/m<sup>3</sup>) and a new 24-hour PM-2.5 standard set at 65 ug/m<sup>3</sup>. U.S. EPA is retaining the current annual PM-10 standard of 50 ug/m<sup>3</sup> and changing the form of the PM-10 24-hour standard. The secondary (welfare-based) standards are also being adjusted to make them identical to the primary standards. Also, the previous 1-hour primary ozone standard is being phased out and replaced with a new 8-hour concentration based standard of 0.08 ppm. The 3-year average of the 4<sup>th</sup> highest daily maximum 88-hour ozone concentrations is used to determine compliance with the standard. U.S. EPA also replaced the previous secondary standards with a standard identical to the new primary standard. This rule was effective 1 June 1999. *For further information contact: Michelle Martinez; ODEQ, AQD; (405) 702-4100.*

Control of Emission of Hazardous and Toxic Air Contaminants (OAR Docket #99-650). Final rule of the ODEQ, AQD, amends OAC 252:100-41, Control of Emission of Hazardous and Toxic Air Contaminants, and updates the adoption by reference to include Maximum Achievable Control Technology (MACT) standards promulgated or amended between 1 July 1997 and 1 July 1998. The revisions also update the adoption by reference of the NESHAP as found in 40 CFR Part 61 (with the exception of Subparts B, H, I, K, Q, R, T, and W, and Appendices D and E, which address radionuclides) to 1 July 1998. The rule was effective 1 June 1999. *For further information contact: Joyce Sheedy, Ph.D.; ODEQ, AQD; (405) 702-4100.*

### STATE PROPOSED RULES

Radiation Management (16 OKR 916-8). Proposed rule of the ODEQ would amend regulations under OAC 252:400-1 through -21 (nonconsecutive) and Appendices A through X (nonconsecutive) regarding radiation

management to reflect the state's application to the federal Nuclear Regulatory Commission for state agreement status that would delegate to the ODEQ regulation of source, byproduct, and special nuclear material. The proposal would update existing requirements and incorporations, reorganize registration requirements for radiation machines, clarify permitting and registration programs, and move provisions regarding facility permits and fees. The proposal also would eliminate duplicative provisions; create a uniform program for all radiation management permits, certifications, and licenses; clarify therapeutic radiation system requirements; and reorganize industrial X-ray radiography standards. In addition, the proposal would update requirements for particle accelerators used for purposes other than therapy, move provisions governing X-ray fluorescence instruments used for LBP detection, refer to federal standards for radiation protection and radionuclide national emissions standards for HAPs and radiation protection, and clarify lists of isotopes. *For further information contact: Pamela Bishop; ODEQ; (405) 702-5164.*

Excess Emission and Malfunction Reporting Requirements (OAR Docket #99-752). Proposed rule of the ODEQ, AQD, would amend OAC 252:100-9 to correct typographical and grammatical errors and delete redundant language. Substantive changes would include narrowing the scope of the rule to minor facilities only; dividing the rule into Parts to help operators differentiate between mandatory reporting requirements and requirements for asserting an affirmative defense; and clarifying in the rule that excess emissions must be reported on the annual emission inventory report and that annual operating fees must be paid on such emissions. Public hearings will be held on 15 June 1999 in Tulsa and on 28 September 1999 in Braman. Written comments will be accepted prior to or at the 15 June hearing. Oral comments may be presented at both hearings. *For further information contact: Jeanette Buttram; ODEQ, AQD; (405) 702-4100.*

Hospital, Medical and Infectious Waste Incinerators (HMIWI) (OAR Docket #99-753). Proposed rule of the ODEQ, AQD, would add OAC 252:100-17, Part 7, HMIWI, to establish state emission standards and other enforceable requirements for existing HMIWI. It would also add a new Appendix M containing emission limits for HMIWI. An HMIWI is defined as any device that combusts any amount of medical/infections waste or hospital waste. Any HMIWI for which construction commenced on or before 20 June 1996 would be subject to the new rule. The new Part 7 incorporates by reference sections of the NSPS for NMIWI (40 CFR 60, Subpart Ec). In addition to establishing emission standards for certain regulated pollutants, the new rule would establish requirements for HMIWI operator training and qualifications, waste management plans, and testing and monitoring of pollutants and operating parameters. Public hearings will be held on 15 June 1999 in Tulsa and on 28 September 1999 in Braman. Written comments will be accepted prior to or at the 15 June hearing. Oral comments may be presented at both hearings. *For further information contact: Cheryl Bradley; ODEQ, AQD; (405) 702-4100.*

## STATE NOTICES

Water Quality Standards (16 OKR 1170). Notice of the Oklahoma Water Resources Board (OWRB) announces the withdrawal of a proposed rule (16 OKR 129; 12/01/98) that would have amended regulations under OAC 785:46 to add definitions, add language regarding nutrient-impaired watersheds, and provide for implementation and establishment of protocols to determine whether beneficial uses are impaired. The proposal also would have addressed acute regulatory mixing zones pertaining to implementation of narrative toxics criteria to protect aquatic life using whole effluent toxicity testing. *For further information contact: Derek Smithee; OWRB, WQPD; (405) 530-8800.*

(NOTE: General information regarding the ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us/>.)

## TEXAS

### Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 31 May 1999.)

HB 1479 – Wastewater Discharge Permits. Allows for the renewal or amendment of a wastewater discharge permit without a public hearing, if there is no significant change in permit discharge conditions or if the quality of the waste authorized to be discharged under the permit is to be improved. **Sent to the Governor on 22 May 1999.**

HB 2815 – Underground Storage Tanks (USTs). Requires the owner or operator of a UST to complete an annual tank compliance certification form and provides civil and criminal penalties for certain violations. **Sent to the Governor on 1 June 1999.** (Companion bill --SB 1299.)



HB 3678 – Air Emission Permits. Provides that before construction is begun on the modification of a permitted facility emitting air contaminants, individuals planning the construction must obtain a permit or permit amendment from the Texas Natural Resource Conservation Commission (TNRCC). **Committee report considered in calendars on 10 May 1999.** (Companion bill – SB 1845.)

SB 766 – Air Permitting (General). Authorizes the TNRCC to issue a voluntary emissions reduction permit to facilities not subject to the requirements of obtaining permits. Establishes a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere. Authorizes the TNRCC to develop, by rule, the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which no permit, standard permit, or permit by rule will be required. **House passage as amended reported on 26 May 1999.** (Companion bill – HB 2504.)

## STATE PROPOSED RULES

Stationary Sources/National Emission Standards for HAPs (NESHAPs) for Source Categories (24 TXR 2851-8, 2977-8). Proposed rule of the TNRCC would adopt regulations under new Sections 30 TAC 113.170 through .660 (nonconsecutive) and amend regulations under 30 TAC 113.120 through .380 (nonconsecutive) to incorporate NESHAPs for source categories as required by federal standards under 40 CFR 63. The proposal would incorporate changes to MACT standards promulgated on 25 June 1997 and 15 October 1997. The proposal also would affect standards for coke oven batteries, ethylene oxide sterilization facilities, industrial process cooling towers, pulp and paper production, halogenated solvent cleaning, secondary lead smelting, petroleum refineries, aerospace manufacturing and rework facilities, wood furniture manufacturing operations, primary aluminum reduction plants, Level 1 tanks, containers, surface impoundments, individual drain systems, oil-water separators and organic-water separators, hazardous waste combustors, pharmaceuticals production, and flexible polyurethane foam production. *For further information contact: Ann Hammer; TNRCC, Office of Environmental Policy, Analysis, and Assessment; (512) 239-6255.*

Consolidated Permits (24 TXR 3022-36, 3125-37). Proposed rule of the TNRCC would amend regulations under 30 TAC 305.2, .69, .125, .172, .174, .401, .572, and .573 regarding consolidated permits. The proposal would revise provisions governing public participation and permit modification procedures to conform to federal standards promulgated 11 December 1995, under 40 CFR 270; correct and reformat cross-references; and clarify responsibilities and authority in the area of Class 2 modification requests. The proposal also would add public notice requirements for temporary authorizations. *For further information contact: Ray Austin; TNRCC, Office of Policy and Regulatory Development; (512) 239-6814.*

Low-Level Radioactive Waste Fees (24 TXR 3182, 3195). Proposed rule of the Low-Level Radioactive Waste Disposal Authority (LLRWDA) would amend regulations under 31 TAC 450.1 through .4 to update the planning and implementation fees for low-level radioactive waste generators for state fiscal year 1999. The proposal would provide for the assessment of the fees, specify the entities that must pay, and provide for the collection and deposit of fees in the state treasury. The proposal replaces an earlier proposed rule (24 TXR 371; 01/22/99) on the same topic. *For further information contact: Lee Matthews; LLRWDA; (512) 451-5292. (Regional Counsel Comment: Consultation with the LLRWDA POC indicates that 99 percent of the fees will be paid by nuclear power plants located in Texas. In the past, military installations in Texas have not been assessed any fees, and it is unlikely they will be assessed any fees in the current fiscal year.)*

## STATE NOTICES

Sludge Use, Disposal, and Transportation (24 TXR 3375). Notice announces editorial corrections to a previous notice (24 TXR 2978; 04/09/99) that announced the intention of the TNRCC to amend regulations under 30 TAC 312 regarding sludge use, disposal, and transportation. The proposal would facilitate the implementation of the state pollutant discharge elimination system program; and conform to the CWA, other applicable federal regulations, and U.S. EPA Region VI national pollution discharge elimination system general permit for reuse and disposal of sewage sludge. *For further information contact: Maria Rodriguez; TNRCC, Sludge and Transporter Review Team; (512) 239-1760. (Regional Counsel Comment: This is the TNRCC's quadrennial review of Chapter 312, which concerns sludge use, disposal and transportation. A public hearing on the review and potential revisions was held on 18 May 1999.)*

(NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us/>.)



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*This Regional Update is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Marsha Brustad, CREO Environmental Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO Regional Updates are available on the Internet at [<http://aec-www.apgea.army.mil:8080/prod/usaec/ro/central/central.htm>].*



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